



DSW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Pereira et al.

Art Unit : 1645

Serial No. : 10/735,972

Examiner : Monshipouri, Maryam

Filed : December 15, 2003

Conf. No. : 5625

Title : KINESIN-LIKE PROTEINS AND METHODS OF USE

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed May 15, 2006, applicants elect the invention of Group I(b) with traverse. Further, applicants elect the species of small non-nucleic acid organic molecule. Claims 1, 2, and 4-8 read on the elected species. Applicants traverse the requirement for restriction on the grounds that Groups I(a) and I(d) are improper, and that there is no significant burden to search Groups I(b) and I(c) together.

Applicants submit that Group I(a) is improper since it bears no relation to the pending claims. The independent claim (claim 1) is drawn to a method for identifying a compound that modulates activity of a KIF18A polypeptide that includes detecting an altered localization of the KIF18A polypeptide in a test cell incubated with a test compound. The claims are not directed to "methods of screening for modulators of genes encoding KIF18A polypeptides utilizing test compounds," as stated in the restriction requirement.

Similarly, Group I(d) is also improper since it, too, bears no relation to the pending claims. The independent claims (claims 12, 15, and 19) are drawn to methods for assaying modulation of activity of a KIF18A polypeptide that include observing structures associated with cellular division (i.e., spindle length, the angle between two ectopically localized prophase

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

June 15, 2006

Date of Deposit
Susan L. Brandt

Signature
Susan L. Brandt

Typed or Printed Name of Person Signing Certificate

centrosomes, and the shape of a spindle or astral microtubule) and determining the amount or location of KIF18A polypeptide in a test cell. The claims are not directed to "methods of modulating the activity of KIF18A encoding genes," as stated in the restriction requirement.

Further, applicants submit that there would be no significant burden to search Groups I(b) and I(c) together. The claims of both groups are drawn to methods of identifying or assaying modulation of activity of KIF18A¹. All of the claimed methods recite a step of observing subcellular localization or subcellular structures. Further, the claims of Group I(c) recite in the alternative a step of "determining the location of KIF18A polypeptide" in a test cell, similar to the recitation of the claims of Group I(b) of "detecting an altered localization of KIF18A polypeptide" in a test cell. Because of this, applicants suggest that art found searching Group I(b) could also be relevant to Group I(c), and there would be no undue burden to search these two groups together. This is further evidenced by the fact that the Examiner has classified both Groups in class 435, subclass 18.

For the reasons described above, applicants respectfully traverse the restriction requirement and request examination of all of the claims in the original Group I.

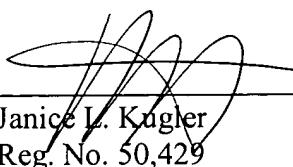
Please apply any charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 07917-198001.

Respectfully submitted,

Date: June 15, 2006

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

21357699.doc



Janice L. Kugler
Reg. No. 50,429

¹ The claims in Group I(c) are not, in fact, drawn to methods of "modulating the activity of KIF18A," as alleged in the restriction requirement, but to methods of "assaying for modulation of activity of a KIF18A polypeptide."